IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 365 of 1998

For Approval and Signature: sd/-

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANIBEN W/O MANGALBHAI LALLUBHAI CHUNARA

Versus

SITABEN WD/O JENABHAI MANGALBHAI CHUNARA

Appearance:

1. Appeal from Order No. 365 of 1998

MR DILIP B RANA for Petitioner No. 1

MRS SANGEETA N PAHWA for Respondent No. 1

NOTICE SERVED BY DS for Respondents No. 2-3,5

Mr.KC SHAH, A.G.P. for Respondent No. 4

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 25/10/2001

ORAL JUDGEMENT

1. The Appellant - plaintiff has challenged, in this Appeal, the impugned order dated 30.6.1998 passed by the learned 2nd Joint Civil Judge (SD), Nadiad, below Ex.5 in Special Civil Suit No.166 of 1995 whereby the learned Judge partly allowed the injunction Application of the appellant - plaitniff and vacated the ad.interim relief granted earlier on 27.12.1995 with direction not to encash Kishan Vikas Patra, worth Rs.45,000/- till the final disposal of the Suit. Along with this Appeal, Civil Application No.7351 of 1998 was filed. The same was disposed of by the learned Single Judge of this Court on 11.9.1998 and the respondents No.3 & 4 were restrained from making any disbursement and/or encashment in favour of the respondent No.2 in respect of Kishan Vikas Patra and Narmada Vikas Bond which are the subject matter of the Suit till the final disposal fo the Appeal.

2. When this matter was called out, learned Counsel Shri Rana for the appellant was not present. However, learned Counsel Ms.Sangita Pahwa was present for the respondents No.1 & 2 and Shri K.C.Shah, learned A.G.P. for the respondents No.3 to 5 was present.

3. Considering the facts and circumstances of the case it was agreed by the learned Counsel for the parties that this Appeal be disposed of without going into the merits, legality and validity of the order passed by the trial Court with a direction to the learned trial Judge to dispose of the main Special Civil Suit as early

possible and till then the interim order passed by this Court in Civil Application No.7351 of 1998 be continued.

4. In view of the above, this Appeal is disposed of without going in to the merits, legality and validity of the impugned order passed by the trial Court with a direction to the trial Court to decide the main Special Civil Suit No.166 of 1995 as early as possible and not later than 31st December 2002. Till then the interim order passed by this Court on 11.9.1998 in Civil Application shall continue. The parties shall fully cooperate with the final disposal of the Suit.

sd/-

Date : October 25, 2001 (B.J.Shethna, J.)

sas